

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THOMAS M. KELLEY,

Plaintiff,

v.

Civil Action No. 05-10596-NMG

TOWN OF PLYMOUTH, et al

Defendants.

JOINT STATEMENT CONTAINING PROPOSED PRETRIAL SCHEDULE

Pursuant to L.R. 16.1(D) and this Court's Notice of Scheduling Conference, Plaintiff, Thomas M. Kelley ("Plaintiff") and the Defendants Town of Plymouth and Robert J. Pomeroy ("Defendants") file this Joint Statement Containing a Proposed Pretrial Schedule.

1. PROPOSED DISCOVERY PLAN

Date

May 16, 2005 Automatic disclosures to be served.

June 18, 2005 Supplemental or amended pleading to be filed and served.

June 30, 2005 Written discovery (as allowed by the court) to be served (except expert witness disclosures).

December 31, 2005 Non-expert depositions to be completed.

January 15, 2006 Plaintiff shall designate expert witnesses and produce reports

within 30 days thereafter as contemplated by Fed.R.Civ.P.

26(b)(4)(A)(I); designation of experts shall include provision of any information required by Federal Rules of Civil Procedure and/or Local Rules.

February 28, 2006 Defendant shall designate expert witnesses and produce reports within 30 days thereafter as contemplated by Fed.R. Civ.P.

26(b)(4)(A)(I); designation of experts shall include provision of any information required by Federal Rules of Civil Procedure and/or Local Rules.

March 30, 2006 Depositions of expert(s) to be completed.

2. PROPOSED SCHEDULE FOR FILING MOTIONS

May 30, 2006 Deadline for filing dispositive motions.

3. MODIFICATION OF SCHEDULE DATES

All dates, other than any trial date, may be modified subject to written agreement of the parties and approval by the Court, or upon motion to the Court for good cause.

4. ALTERNATIVE DISPUTE RESOLUTION

The Plaintiff is willing to participate in Alternative Dispute Resolution. The Defendants do not agree to Alternative Dispute Resolution.

5. CASE MANAGEMENT CONFERENCE

The Plaintiff proposes that a case management conference be held pursuant to L. R. 16.3 during or about June, 2006, for the purpose of exploring the possibility of settlement, for the scheduling of a pretrial conference and/or trial, and for all other matters deemed appropriate by the Court. The Defendants do not agree to a Case Management Conference.

6. TRIAL BY MAGISTRATE JUDGE

At the present time, the parties do not consent to trial of this action by a Magistrate Judge.

7. **TRIAL DATE**

The parties propose that a trial by jury be scheduled for September, 2006.

WHEREFORE, the parties respectfully request that the Court approve their proposed pretrial schedule and discovery plan, with such amendments as the Court deems just and proper.

Respectfully submitted,

THOMAS M. KELLEY, Plaintiff,

By his attorney,

/s/ Joseph R. Gallitano

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TOWN OF PLYMOUTH, et al, Defendants,

By their attorney,

/s/ Leonard Kesten

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Dated: May 9, 2005